

- - REMARKS - -

Claims 1-49 are currently pending in the application. Claims 1, 23, 41, 48 and 49 have been amended. The changes to the amended claims from the previous versions to the rewritten versions are shown above with strike-throughs for deleted matter and underlines for added matter. No new matter has been added as a result of these amendments.

In the outstanding final Office Action, claims 1, 2, 6-21, 23, 26, 28-38 and 41-49 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,946,440 to Hall (hereinafter "Hall"). Claims 1, 3-5, 22-23 and 39-40 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,389,089 to Bauer et al. (hereinafter "Bauer"). Claims 24-25 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall. The rejections under 35 U.S.C. §§ 102(b) and 103(a) are respectfully traversed.

Independent claims 1, 23, 40 and 49 are each directed to an introducer apparatus comprising a flexible introducer member adapted to be introduced into the patient through an endoscope, a flexible sleeve having a first body portion attached to the introducer member and a second body portion moveable in response to movement of a second member sized for introduction through the introducer member. These claims further require that the second body portion of the sleeve to be eversible from a passageway of the second member such that the second member passageway is substantially unobstructed upon full deployment of the second member. Independent claim 41 is similar, and requires that a substantial part of the flexible sleeve be movably located within an interior portion of the elongated member (i.e., the inner/second member). Independent claim 48 is a method claim, and likewise requires a flexible sleeve with a substantial length of the sleeve disposed in an internal passageway of the elongated member.

As explained in Applicant's previous response, Hall is directed to a catheter having a flexible membrane (90) that is fixedly connected between an outer tube (12) and an inner tube (16). However, and as clearly shown in Fig. 3, no portion of the membrane (90) is disposed within a passageway of the inner tube (16). To the

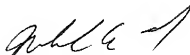
contrary, the membrane (90) is fixedly connected to an exterior surface of the inner tube (16). Thus, Hall fails to disclose or suggest a flexible sleeve that is eversible from a passageway of a second/inner member as required by each of the independent claims. As also explained in Applicant's previous response, Bauer likewise fails to disclose or suggest a flexible sleeve that is eversible from a passageway of a second/inner member. As best seen in Fig. 4, the sleeve (45) is fixedly connected to the outside of the inner member (43).

In paragraph 6 of the outstanding final Office Action, the Examiner asserted that the claims (as previously presented) do not actually recite the limitations demonstrated above to be absent from Hall and Bauer. In particular, the Examiner has asserted that the claims do not require the membrane to be disposed within a passageway of the inner/second member, but merely require that the second end of the sleeve be "loadable" into a passageway of the inner/second member. Moreover, the Examiner contends that both Hall and Bauer disclose a sleeve that is capable of being loaded into "exterior of the surface" of the second member and capable of being "pushed into" the second member. Applicant respectfully disagrees. Applicant has nevertheless endeavored to amend the claims so as to more positively recite these limitations and as a result, eliminate the basis for the rejections under 35 U.S.C. §§ 102(b) and 103(a). In particular, each of the independent claims has been amended to require that the second end of the sleeve be removably disposed within the passageway of the inner/second member.

Accordingly, and for at least the reasons discussed above, independent claims 1, 23, 40, 41, 48 and 49 are patentable over the art of record. The remaining claims are each dependent on one of these independent claims. These dependent claims are therefore likewise patentable for at least the same reasons that the independent claims have been demonstrated above to be patentable. Further discussion of these dependent claims is therefore unnecessary.

It is therefore believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicants' undersigned attorney at (312) 321-4273.

Respectfully submitted,



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